

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:15-CR-235-BO

UNITED STATES OF AMERICA

v.

DONTE HINNANT

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ORDER

This matter is before the Court on defendant's motion to obtain copies of court documents without payment. [DE 53]. The government has responded in opposition. [DE 57]. For the reasons stated herein, defendant's motion is DENIED.

BACKGROUND

Defendant, Hinnant, was sentenced on March 1, 2016, to a term of 16 months' imprisonment after pleading guilty to one count of possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g) and 924. Hinnant did not file a direct appeal of his conviction or sentence. Hinnant filed the instant motion on July 5, 2017, requesting copies of the docket sheet, judgment, sentencing minutes, and plea and sentencing transcripts without payment. Hinnant states that he needs these documents in order to file a motion pursuant to 28 U.S.C. § 2255.

DISCUSSION

"[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents prior to their being provided at government expense. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, \*3 (E.D.N.C. Jul. 17, 2013); *see also* 28 U.S.C. § 753(f) (United States shall pay the fee for transcript where action under § 2255 has been certified not to be frivolous). An indigent defendant is not entitled to a transcript at government expense


in order to “merely [] comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Hinnant has not provided any justification to receive the requested documents at government expense other than to file a § 2255 motion. Accordingly, in the absence of any demonstration otherwise, it appears Hinnant seeks merely to “comb the record.” His motion requesting copies of court documents without payment is therefore denied.

CONCLUSION

For the foregoing reasons, defendant’s motion to obtain copies [DE 53] is DENIED.

SO ORDERED.

This the 31 day of October, 2017.

  
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TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE